

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.)	
State Engineer)	
)	
Plaintiff,)	69cv07941 BB-ACE
)	
vs.)	RIO CHAMA STREAM SYSTEM
)	Section 1: Mainstream
RAMON ARAGON, <i>et al.</i> ,)	
)	SUAZO DITCH
Defendants.)	
)	Subfiles: 532, 535, 536, 537 & 538

ORDER

THIS MATTER comes before the Court on the November 24, 2004 Motion to Amend Orders Entered in Connection with Suazo Ditch, a Community Ditch Association, (Document No. 7662) filed by the Plaintiff State of New Mexico *ex rel.* State Engineer ("State"). The Motion asks the Court to (1) amend the Order filed March 30, 1971 (No. 1678) adjudicating the water rights of the tracts of land irrigated by the Suazo Ditch, and (2) amend the individual subfile orders entered in connection with the Suazo Ditch in the Chama Mainstream Section. Individuals were served with the Motion, as evidenced by the Certificate of Service attached to the Motion (No. 7662), on November 23, 2004. No objections have been filed with the Court.

Having reviewed the Motion, the record, and being otherwise fully advised in the premises, I find the following:

- 1) The Order filed March 30, 1971 adjudicating the water rights on the Suazo Ditch should be vacated in its entirety because approximately half of the tracts are irrigated from the Ranchitos Ditch, a separate and distinct community ditch association.
- 2) The individual subfile orders listed on Exhibit 1, attached to this order, incorrectly state the Source of Water as the Ojito Seco, a natural spring and tributary to the Rio Chama, and the Point of Diversion as X = 473,910 Y = 1,888,910. This

information is in error and should be amended as follows for each subfile order listed in Exhibit 1 (all other elements remain unchanged):

- a. Source of Water: Arroyo Seco, (including waters of Ojito Seco), a tributary of the Rio Chama
- b. Point of Diversion: The Suazo Ditch diverts water from the Arroyo Seco in two places:
X = 473,534 Y = 1,892,809
X = 473,519 Y = 1,892,888
New Mexico State Plane Coordinate System, Central Zone NAD 1927

- 3) The State should prepare and file a motion no later than February 21, 2005 requesting the Court to enter a similar order for the subfiles served by Ranchitos Ditch, which amends the Source of Water and Point of Diversion. The motion shall be served on the current owners of the affected tracts giving them 30 days to object. After the objection period the Court will enter its Order.

IT IS, ORDERED, THEREFORE that the Order filed March 30, 1971 (No. 1678) for Suazo Ditch, a Community Ditch Association, is vacated.

IT IS FURTHER ORDERED that the subfiles listed on Exhibit 1 are amended with respect to Source of Water and Point of Diversion as follows:

- a. Source of Water: Arroyo Seco, (including waters of Ojito Seco), a tributary of the Rio Chama
- b. Point of Diversion: The Suazo Ditch diverts water from the Arroyo Seco in two places:
X = 473,534 Y = 1,892,809
X = 473,519 Y = 1,892,888
New Mexico State Plane Coordinate System, Central Zone NAD 1927

IT IS FURTHER ORDERED that the State shall file and serve upon current water right claimants a motion to amend the Source of Water and Point of Diversion for the subfiles served by Ranchitos Ditch, no later than February 21, 2005. The motion shall provide the claimants thirty (30) days to object.

IT IS FURTHER ORDERED that the amendments made to these individual subfile orders shall not affect other orders filed by the Court, or any errors or omissions claims that may be made in connection with these subfiles or other claims under this ditch.

A handwritten signature in black ink, appearing to read "Bruce D. Black", written over a horizontal line.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

/electronic signature/
VICKIE L. GABIN
SPECIAL MASTER

Exhibit 1

Suazo Ditch

Subfile	Map/Tract	Date filed	Document Number
535	4.6	4/29/1970	1359
536	4.7	4/29/1970	1361
532	4.8	4/29/1970	1353
537	4.9	4/29/1970	1363
537	4.9A	4/29/1970	1363
538	4.10	9/10/1970	1645